

merce on or about October 25, 1939, by the Star Sales & Brokerage Co. from Portland, Oreg.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a substance containing little or no meat had been substituted wholly or in part for the article which purported to contain meat in substantial quantities. It was alleged to be misbranded in that the statement "Maid O'Meat" was false and misleading as applied to an article which contained little or no meat.

On October 27, 1939, the motion of the Star Sales & Brokerage Co., claimant, for removal of the case to the District of Oregon was denied without opinion. On October 2, 1940, the claimant having consented to the entry of a decree, judgment was entered finding the product misbranded and ordering that it be condemned and released under bond for relabeling in conformity with the law.

### CANDY

**1496. Adulteration of candy. U. S. v. Oliver-Finnie Co., and Robert Maynard Hall. Plea of nolo contendere. Fine of \$1,700 against the corporation, and \$300 against the individual defendant. (F. D. C. No. 2838. Sample Nos. 15115-E, 15512-E, 15513-E, 15523-E, 15524-E, 15525-E, 15528-E to 15531-E, incl., 15609-E, 15610-E, 15611-E, 15614-E, 15615-E, 15616-E.)**

Samples of this product were found to contain rodent hairs, rodent excreta, insects, insect fragments, and unidentified hairs.

On November 27, 1940, the United States attorney for the Western District of Tennessee filed an information against the Oliver-Finnie Co., a corporation, Memphis, Tenn., and Robert Maynard Hall alleging introduction and delivery for introduction in interstate commerce within the period from on or about January 19 to on or about June 3, 1940, from the State of Tennessee into the States of Arkansas and Mississippi of quantities of candy that was adulterated. The article was labeled in part: "Silver Moon Trade Mark Registered United States Pat. Off. Candies."

It was alleged to be adulterated in that it consisted in whole and in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On January 3, 1941, pleas of nolo contendere having been entered, the court imposed a fine of \$1,700 against the Oliver-Finnie Co. and \$300 against Robert Maynard Hall.

**1497. Adulteration of candy. U. S. v. 13, 14, 6, and 24 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 3068. Sample Nos. 31401-E to 31404-E, incl.)**

This product contained rodent hairs and a portion also contained insect fragments.

On September 23, 1940, the United States attorney for the Northern District of Illinois filed a libel against a total of 57 boxes of candy at Fort Wayne, Ind., alleging that the article had been shipped in interstate commerce on or about September 6, 1940, by the Gilliam Candy Co. from Paducah, Ky.; and charging that it was adulterated. The article was labeled in part variously: "Sally Mint," "Delicious Stick," "Bacon Slice," or "Cello Stick Asst'd."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and it that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On November 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1498. Adulteration and misbranding of candy. U. S. v. 41 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 2698. Sample No. 20098-E.)**

This product contained insect fragments and none of the boxes or labels bore a statement of the ingredients. One lot contained artificial flavor and color.

On September 4, 1940, the United States attorney for the Eastern District of South Carolina filed a libel against 41 boxes of candy at Darlington, S. C., alleging that the article had been shipped in interstate commerce on or about August 13, 1940, by the Dillon Candy Co. from Jacksonville, Fla.; and charging that it was adulterated and misbranded. The article was labeled variously: "2/1¢ Cocoanut Suckers," "Peanut Planks," or "1¢ Blanched Peanut Bars."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

It was alleged to be misbranded in that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each such ingredient. The lot labeled "Cocoanut Suckers" was alleged to be misbranded further in that it contained artificial flavoring and artificial coloring, and did not bear labeling stating that fact.

On October 1, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1499. Misbranding of candy. U. S. v. 10 Boxes and 10 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 3357. Sample Nos. 15813-E, 15814-E.)**

One lot of this candy was in metal-covered wooden boxes, 3 inches deep. The lower two-thirds of the box was divided into three compartments which, however, were empty, the candy being contained in the upper third of the box. The other lot was in cedar boxes which had an inverted cardboard tray in the bottom, which occupied about 27 percent of the lower part of the box and which was empty. The latter lot was also short of the weight declared on an attached punchboard. The boxes in both lots were unlabeled.

On November 7, 1940, the United States attorney for the Eastern District of Missouri filed a libel against 10 boxes and 10 boxes of candy at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about October 1, 1940, by Di Giorgio Allegretto Co. from Chicago, Ill.; and charging that it was misbranded. It was labeled in part: "Make-Up Chest [or "Cedar Chest"] \* \* \* Allegretto Assorted Chocolates."

The article was alleged to be misbranded in that its container was so made, formed, or filled as to be misleading; and in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor nor an accurate statement of the quantity of the contents; in that it failed to bear the common or usual name of the food; in that it was fabricated from two or more ingredients and failed to bear the common or usual name of each such ingredient; and in that the statement on the punchboard enclosed with the cedar chests, "two pounds of \* \* \* Assorted Chocolates," was false and misleading since it was incorrect.

On December 30, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1500. Misbranding of candy. U. S. v. 14, 19, and 4 Boxes of Candy. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 2285. Sample Nos. 33148-E, 33149-E, 33150-E.)**

This product occupied approximately only 70 percent of the space in its container.

On June 27, 1940, the United States attorney for the District of New Jersey filed a libel against 37 boxes of candy at Union City, N. J., alleging that the article had been shipped in interstate commerce on or about June 11, 1940, by the Metro Chocolate Co., Inc., from Brooklyn, N. Y.; and charging that it was misbranded in that its container was so made, formed, and filled as to be misleading. The article was labeled in part: "Metro Assorted Candy Drops"; "Metro Sour Lemon Drops"; or "Metro Wild Cherry Drops."

On September 26, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.